



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

April 23, 2002

Barrington Medical Imaging, L.L.C.  
d.b.a. Wyco Intl. Development Co., Inc.  
d.b.a. LFC Equipment Services Intl.  
22N159 Pepper Road  
Lake Barrington, Illinois 60010  
Attention: William Erbes, Principal  
William Yovic, Principal  
Pamela Yovic, Secretary  
Peter Karas, Sales Manager

Barrington Medical Imaging, L.L.C.  
d.b.a. Wyco Intl. Development Co., Inc.  
d.b.a. LFC Equipment Services Intl.  
22159 N. Pepper Road  
Lake Barrington, Illinois 60010  
Attention: William Erbes, Principal  
William Yovic, Principal  
Pamela Yovic, Secretary  
Peter Karas, Sales Manager

Barrington Medical Imaging, L.L.C.  
d.b.a. Wyco Intl. Development Co., Inc.  
d.b.a. LFC Equipment Services Intl.  
1290 Oakview Road  
Medina, Minnesota 55356  
Attention: William Erbes, Principal  
William Yovic, Principal  
Pamela Yovic, Secretary  
Peter Karas, Sales Manager

Barrington Medical Imaging, L.L.C.  
d.b.a. Wyco Intl. Development Co., Inc.  
d.b.a. LFC Equipment Services Intl.  
20 Copperfield Drive  
Lake Zurich, Illinois 60047  
Attention: William Erbes, Principal  
William Yovic, Principal  
Pamela Yovic, Secretary  
Peter Karas, Sales Manager

Mr. William Yovic  
Ms. Pamela Yovic  
22777 N. Foxtail Drive  
Kildeer, Illinois 60043

RE: EB-02-TC-061

Dear Correspondents:

This is an official **CITATION** issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the Communications Act), 47 U.S.C. § 503(b)(5).

It has come to our attention that your company recently sent one or more unsolicited advertisements to telephone facsimile machines (see attachment).<sup>1</sup> Pursuant to the Telephone Consumer Protection Act of 1991 (TCPA) and the Commission's rules, it is unlawful to use a "telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine." 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3).

In addition to the violation identified above, it appears that your company has also violated the provisions of the TCPA and the Commission's rules that require any person or entity who sends a message via a telephone facsimile machine to clearly mark "in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual." 47 U.S.C. § 227(d)(1)(B); 47 C.F.R. § 68.318(d).

Please be advised that subsequent violations of the Communications Act or of the Commission's rules may result in the imposition of monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation. See 47 C.F.R. § 1.80(b)(3).

The phrase "unsolicited advertisement" is defined in the TCPA and the Commission's rules as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission." 47 U.S.C. § 227(a)(4); 47 C.F.R. § 64.1200(f)(5). Both the TCPA and the Commission's rules define "telephone facsimile machine" as "equipment which has the capacity to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper." 47 U.S.C. § 227(a)(2); 47 C.F.R. § 64.1200(f)(2). Addressing the TCPA's definition of "telephone facsimile machine," the Commission stated that "[f]ax modem boards are the functional equivalent of stand-alone facsimile machines." *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 10 FCC Rcd 12391, 12405, para. 29 (1995).

**Pursuant to section 503(b)(5) of the Communications Act, you may request a personal interview at the Commission's Field Office nearest to your place of business. The nearest office appears to be the Chicago Office at Park Ridge Office Center, Room 306, 1550 Northwest Highway, Park Ridge, Illinois 60068, which you can contact by telephone at (847) 298-5412. You must schedule this interview to take place within 21 days of the date of this citation. Alternatively, you may submit a written statement to the following address within 21 days of the date of this citation:**

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<sup>1</sup> In addition to the advertisement(s) referenced by and attached to this citation, the complaining party may also have included with the complaint one or more facsimile advertisements transmitted by other senders. This citation concerns only the facsimile advertisement(s) referenced by and attached to the citation, and your response only needs to address such advertisement(s).

Kurt A. Schroeder  
Deputy Chief, Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

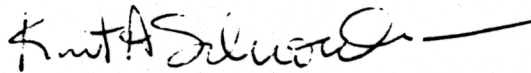
If you choose to submit a written statement, your written statement should specify what actions have been taken to correct the violation(s) outlined above. Please reference EB-02-TC-061 when corresponding with the Commission.

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the TCPA and the Commission's rules. This will include any information that you disclose in your interview or written statement. Please be advised that if you choose not to respond to this citation and a forfeiture is issued, your unresponsiveness will be considered in our assessment of a forfeiture amount.

You should also be aware that the knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,



Kurt A. Schroeder  
Deputy Chief, Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission

Enclosures

# BMI

*Barrington Medical Imaging, L.L.C. Specializing in Pre-Owned Equipment & Consulting*

Dear Radiology Manager:

Barrington Medical Imaging (BMI) can offer you a variety of high-end helical CT scanners. These scanners will meet all your clinical needs, as well as your budget constraints.

We currently have the following scanners in our warehouse available for immediate delivery:

### **1997 GE CT/I Spiral CT Scanner For Sale**

Sub-Second Spiral (0.8 second), 48 kW Generator Smart Beam, Prep, Helical Scan  
Dual Monitors, Brand New GE Performix 6.5 Million Heat Unit Tube

### **1995 GE ProSpeed Spiral CT Scanner For Sale**

Sub-Second Spiral (0.8 second), "I" Console, 42kW Generator, 3.5 MHU Tube, 3.8 million Gantry Rotations, 200,000 slices on the tube, Curved Reformations, Display in Display, Pan Zoom, Real time reformation, Cine & 3D Image, Unit is De-installed and in BMI Warehouse

### **1998 Siemens Plus 4 Power CT Scanner for Sale**

55kw generator, 5.3 MHU Tube, Sub-Second Spiral, Ultra Fast Ceramic Detectors, CT Angio, 3D image & analysis, Fast Recon (Turbo Option) includes installation, 12 month warranty, and 130,000 scan-second tube warranty, all provided by Siemen's field service personnel. \* options Cardiac Scoring & Fluoro.

### **1997 Siemens Somatom Plus 4 Expert Spiral CT Scanner**

55kw generator, 5.3 MHU Tube, Sub-Second Spiral, (0.75sec), (X6) Xenon Detectors, CT Angio, 3D image & analysis, Fast Recon (Turbo Option). Upgradeable to do Calcium Scoring with cardiac gating with Cardiac Scoring Option

### **1997 Toshiba Express GX Spiral CT Scanner**

36kw Generator, 4.0 MHU Tube, 1 Second Scan, 100cm spiral  
198,000 on the tube, 1 million rotations on gantry

We would be happy to provide you with any documents and/or film that you require. Please give us a call. We will be happy to discuss your unique situation including a trade-in offer for your current CT Scanner.

**We also have the following MRI available:**

### **1993 Siemens Mobile Impact**

48' Calumet Coach MRA, Turbo SE, "Power Gradients" 15mT/m, Sparc 2, Numaris 3, SW VB33.D,  
CP Head Coil, HH Neck Coil, CP Extremity Coil, CP Spine Coil

**Please call Peter Karas, Sales Manager at the number below.**

Chicago Office & Warehouse:  
Barrington Medical Imaging, LLC  
22N159 Pepper Road  
Lake Barrington, Illinois 60010  
Tel: (847) 382-9732  
Fax: (847) 382-3660

Minneapolis Office:  
Barrington Medical Imaging, LLC  
1290 Oakview Road  
Medina, Minnesota 55356  
Tel: (763) 404-9066  
Fax: (763) 404-9622

# BMI



*Barrington Medical Imaging, L.L.C. Specializing in Pre-Owned Equipment & Consulting*

## **\*\*\*High-end Spiral CT Scanners\*\*\***

Dear Radiology Manager:

Barrington Medical Imaging (BMI) can offer you a variety of high-end helical CT scanners. These scanners will meet all your clinical needs, as well as your budget constraints.

We currently have the following scanners in our warehouse available for immediate delivery:

### **1997 GE CT/I Spiral CT Scanner For Sale**

Sub-Second Spiral (0.8 second), 48 kW Generator Smart Beam, Prep, Helical Scan  
Dual Monitors, Brand New GE Performix 6.5 Million Heat Unit Tube

### **1998 Siemens Plus 4 Power CT Scanner for Sale**

55kw generator, 5.3 MHU Tube, Sub-Second Spiral, Ultra Fast Ceramic Detectors, CT Angio, 3D image & analysis, Fast Recon (Turbo Option) includes installation, 12 month warranty, and 130,000 scan-second tube warranty, all provided by Siemen's field service personnel. \* options include Cardiac Scoring & Fluoro.

### **1997 Toshiba Express GX Spiral CT Scanner**

36kw Generator, 4.0 MHU Tube, 1 Second Scan, 100cm spiral  
198,000 on the tube, 1 million rotations on gantry

We can provide you with any documents and/or film that you require. Please give us a call. We will be happy to discuss your unique situation including a trade-in offer for your current CT or MRI.

**\*\*\*We also sell a wide variety of open and closed MRI\*\*\***

**Please call Peter Karas, Sales Manager at the number below.**

Chicago Office & Warehouse:  
Barrington Medical Imaging, L.L.C  
22N159 Pepper Road  
Lake Barrington, Illinois 60010  
Tel: (847) 382-9732  
Fax: (847) 382-3660

Web Site: [www.BMIMED.com](http://www.BMIMED.com)

Minneapolis Office:  
Barrington Medical Imaging, L.L.C  
1290 Oakview Road  
Medina, Minnesota 55356  
Tel: (763) 404-9066  
Fax: (763) 404-9622